

**Turner, O'Mara, Donnelly & Petrycki, P.C.**

2201 Route 38, Suite 300

Cherry Hill, NJ 08002

Telephone No. (856) 667-2600

Attorneys for Defendant Target Corporation, also improperly pleaded as Target

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<p>CRAIG PUKANECZ 100 Postal Road, Unit 90413 Allentown, PA 18109</p> <p>vs</p> <p>TARGET 650 W. Cuthbert Boulevard Haddon Township, NJ 08108 and TARGET CORPORATION c/o CT Corporation 600 North Second Street Harrisburg, PA 17101 and KIMCO REALTY CORPORATION c/o CT Corporation 600 North Second Street Harrisburg, PA 17101 and SERENITY PROPERTY SERVICES, LLC 30 Georgia O'Keefe Way Marlton, NJ 08053</p>	<p>Case Number: 2:22-cv-327</p> <p><b>NOTICE OF REMOVAL</b></p>
--	---

**Notice of Removal**

Pursuant to 28 U.S.C. § 1332, 1441 and 1446, defendant, Target Corporation ("Target"),  
by and through their respective attorneys, hereby remove the above-captioned action, pending as

Case No. 2201000097 in the Court of Common Pleas of Philadelphia County, Pennsylvania, Civil Trial Division, to the United States District Court for the Eastern District of Pennsylvania. In support of removal, defendant, Target, states as follows:

**Statement of the Case**

1. Plaintiff, Craig Pukanecz, is a citizen of the Commonwealth of Pennsylvania whose residence is in Allentown, Pennsylvania, Lehigh County. (See **Exhibit A** – Complaint).

2. Defendant, Target Corporation, (“Target”) is incorporated in the State of Minnesota with its principal place of business located at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

3. Defendant, Kimco Realty Corporation (“Kimco”) incorporated in the State of Maryland with its principal place of business in New York.

4. Defendant, Serenity Property Services, LLC, (“Serenity”) is a limited liability company whose sole member is a citizen of the State of New Jersey.

5. On or about January 3, 2022, plaintiff filed a Complaint in the Court of Common Pleas, Philadelphia County, Pennsylvania Docket No. 2201000097 styled Craig Pukanecz v. Target, et al. (the “Court of Common Pleas Action”). (See **Exhibit A**).

6. Defendant, Target Corporation, was served with the Complaint on January 10, 2022.

7. The Complaint purports to assert a cause of action in negligence against defendants, Target Corporation, Kimco Realty Corporation, and Serenity Property Services, LLC, stemming from an incident that occurred on January 8, 2020 when plaintiff allegedly fell in the parking lot of the premises located at 650 Cuthbert Boulevard, Haddon Township, New Jersey sustaining injuries.

8. The relief plaintiff seeks include, *inter alia*, compensatory and punitive damages for the injuries sustained.

**Diversity Jurisdiction Under 28 U.S.C. § 1332(a)**

9. This Court has jurisdiction over this matter under 28 U.S.C. §1332(a), because there is complete diversity of citizenship between plaintiff and all defendants and more than seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, is at stake.

10. In the Complaint, plaintiff states that he is a citizen of the Commonwealth of Pennsylvania and his primary residence is located in Allentown, Pennsylvania.

11. Defendant, Target, is a Minnesota corporation with its principal place of business in Minnesota. Therefore, defendant, Target, is a citizen of the State of Minnesota.

12. Based upon a conversation with counsel for defendant, Kimco, Allen Bunker, Esq., defendant, Kimco, is incorporated in the state of Maryland with its principal place of business in New York. Therefore, Kimco is deemed to be a citizen of both Maryland and New York.

13. Based upon a conversation with counsel for defendant, Serenity, Jeffrey McDonnell, Esq., defendant, Serenity, is a New Jersey limited liability company whose single member is a resident and citizen of the State of New Jersey. Furthermore, it's principal place of business is in New Jersey. Therefore, Serenity is deemed to be a citizen of New Jersey. See Pippett v. Waterford Dev., LLC, 166 F. Supp. 2d 233 (2001)

14. Since plaintiff is a citizen of the Commonwealth of Pennsylvania and each defendant in the action is a citizen of a different state than plaintiff, there is complete diversity of citizenship of the parties. See Midlantic Bank v. Hansen, 48 F.3d. 693, 696 (3d Cir. 1995).

15. Plaintiff in this action demands total compensatory damages in excess of \$50,000. **Exhibit A**. Specifically, plaintiff alleges in the Complaint that he suffered a severe and permanent

injuries to his back, including but not limited to aggravation to anterior and posterior compression of L4 – S1 as well as injuries to be set forth during the course of discovery, all of which caused him and will in the future cause him great pain and agony, and has prevented him and will in the future prevent him from attending to his daily duties to his great financial loss and damage. Plaintiff further alleges that in order to effectuate a cure for his injuries, he will be required to expend a large sums of money for medicine and medical attention and may be required to expend additional sums for the same purpose in the future. Finally, plaintiff is seeking an award of punitive damages. As such, it is reasonably believed by defendant that a jury could award damages exclusive of costs and fees in excess of seventy five thousand dollars (\$75,000.00). Thus, there is over seventy-five thousand dollars (\$75,000.00) in controversy and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

**All Procedural Requirements for Removal Have Been Satisfied**

16. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the Court of Common Pleas Action which have been served upon defendant, Target, are being filed with this Notice of Removal.

17. This Notice of Removal has been filed within 30 days of the date that defendant, Target, was served with the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

18. I have spoken with Jeffrey McDonnell, Esq., counsel for Serenity, and Alan Bunker, Esq., counsel for Kimco, and they have consented to the removal of this matter. Therefore, all defendant parties have consented to the removal of this matter.

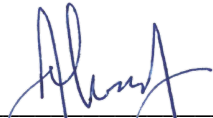
19. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) and 1446 (a) because the United States District Court for the Eastern District of Pennsylvania is the federal judicial

district embracing the Court of Common Pleas of Philadelphia County where the Court of Common Pleas Action was originally filed.

**Conclusion**

By this Notice of Removal, defendant, Target, does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. Defendant, Target, intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

Dated: January 27, 2022

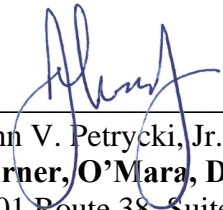


---

John V. Petrycki, Jr., Esquire  
**Turner, O'Mara, Donnelly & Petrycki, P.C.**  
2201 Route 38, Suite 300  
Cherry Hill, NJ 08002  
Phone: (856) 667-2600  
[jpetrycki@turneromara.com](mailto:jpetrycki@turneromara.com)  
Attorneys for Defendant, Target Corporation

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing NOTICE OF REMOVAL, with exhibits, was sent to, James R. Radmore, Esquire, attorney for plaintiff, via email [jrr@radmore.net](mailto:jrr@radmore.net), and first-class mail to Two Pen Center Plaza, 1500 JFK Boulevard, Suite 520, Philadelphia, PA 19102, on January 27, 2022, and to Jeffrey McDonnell, Esquire, , attorneys for defendant, Serenity Property Services, LLC, via email [jwmcdoonn@travelers.com](mailto:jwmcdoonn@travelers.com) and first class mail, PO Box 2903, Hartford, CT 06104, on January 27, 2022, and Allen Bunker, Esquire via email [Allen.Bunker@bunkerray.com](mailto:Allen.Bunker@bunkerray.com), and first class mail, Bunker & Ray, 436 Walnut Street, WA01A, Philadelphia, PA 19106 on January 27, 2022.



---

John V. Petrycki, Jr., Esquire  
**Turner, O'Mara, Donnelly & Petrycki, P.C.**  
2201 Route 38, Suite 300  
Cherry Hill, NJ 08002  
Phone: (856) 667-2600  
Fax: (856) 667-8787  
[jpetrycki@turneromara.com](mailto:jpetrycki@turneromara.com)  
Attorneys for Defendant, Target Corporation